

SCHEIDT & BACHMANN 
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March 14, 2022

Mark Roberts
Senior Purchasing Agent
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

RE: PNC2119994R1, Parking Access and Revenue Control Equipment and Maintenance
(PARCS for the Aviation Department)

Dear. Mr. Roberts,

I am writing to you today to seek clarifications and raise objections to the Evaluation Committee's ranking and scoring process at the conclusion of the Vendor Presentations for Broward County Request for Letters of Interest (RLI) No. PNC2119994R1, Parking Access and Revenue Control Equipment and Maintenance that took place this past Wednesday, March 9, 2022 starting at 1:00 pm Eastern Time.

Our objections and concerns are focused around three (3) main points on which we would like further clarification in writing from the Broward County Purchasing Division.

Item number one (1) relates to Broward County Procurement Code Section 21.45, subsection "a", number 2 which states:

The voting members of an Evaluation Committee may include Broward County employees; provided, however, that no County employee may serve on an Evaluation Committee with an employee in the first employee's line of supervision, unless the County Administrator determines in writing that such an appointment is appropriate.

Unfortunately the current org chart on the County's website does not clarify this matter, but on the surface it appears that the following two (2) individuals may be conflicted unless the County Administrator had provided prior written approval:

- John Pokryfke, Enterprise Director, Operations Division, Aviation Department
- Kevin Wu, Airport Manager, Operations Division, Avian Department

We kindly ask for a written response and clarification on this matter.

Secondly, item number two (2) of our objections and concerns relates to Broward County Procurement Code Section 21.42, subsection "d", number 4 which states:

If the foregoing does not resolve the tie, the Evaluation Committee shall reconsider the responses and rerank the tied vendors.

It is this specific subsection that was referenced and ultimately utilized during the Evaluation Committee's final tallying of results after there was an apparent tie between Scheidt & Bachmann USA and Designa Access Corporation after the initial round of scoring. However, in accordance with Section 21.42, the Evaluation Committee never officially reconsidered the responses (as required), and instead simply reranked the tied vendors.

To prove this point, there was no further pause for discussion amongst the Evaluation Committee members and no new information was presented. Instead, new tie breaker ballots were already being handed out to the Evaluation Committee while the rules for a tie breaker were still being explained to the vendors on the live streamed conference call.

Therefore in the few minutes that had transpired from the initial reading and scoring of vendors, the **ONLY** thing that changed is that each of the Evaluation Committee members now officially knew how their colleagues had voted. On the surface this creates implicit bias for the Evaluation Committee members for perhaps wanting to align their initial votes to how a fellow colleague on the Committee may have voted. Again, since there was no further official reconsideration as required under Section 21.42, subsection "d", number 4, this is the only conclusion one could reasonably draw from this chain of events.

Since Scheidt and Bachmann had received three (3) first place votes from Evaluation Committee members Ben Sanchez, Dr. Natacha Yacinthe, and Kevin Wu after the initial round of scoring, one should have reasonably expected to retain these three (3) first place votes without there being some official, on the record reconsideration. Instead, the Evaluation Committee simply just revoted and suddenly two (2) of Scheidt & Bachmann's initial three (3) first place votes became second place votes during the tie breaker vote without any official, or on the record reconsideration as required under the Broward County Procurement Code. The only thing that changed during those brief few minutes was the disclosure of first round votes.

Once again, we kindly ask for a written response and clarification on this matter.

Lastly, item number three (3) of our objections and concerns relates to Broward County's January 17, 2022 request for the final three (3) short listed vendors to submit

updated information and pricing to the County no later than January 26, 2022. However, to our recollection, there was no official mention of how this information was received, scored, and/or considered by the Evaluation Committee members during the live streamed conference call event that took place on March 9, 2022. Therefore, it is unclear as to what impact this had on the overall evaluation process since there does not appear to have been an official acknowledgement or discussion of this event on the record during the March 9, 2022 meeting.

Once again, we kindly ask for a written response and clarification on this matter, as well on the other two (2) items above.

We thank you in advance for reviewing these concerns and eagerly await an official response from Broward County.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Geraghty", with a long horizontal flourish extending to the right.

Bill Geraghty
Executive Vice President, Sales
Scheidt & Bachmann USA, Inc.